

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/618,338	07/11/2003	Jin-An Jiao	46943-CIP3 (71758)

CONFIRMATION NO. 8452

21874
 EDWARDS & ANGELL, LLP
 P.O. BOX 55874
 BOSTON, MA 02205

FORMALITIES LETTER



OC000000011798591

Date Mailed: 01/30/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 12/15/2003 to the Notice to File Missing Parts (Notice) mailed 10/17/2003 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The signature of the following inventor(s) is missing from the oath or declaration:
Hing C. Wong, Jinghai Wen

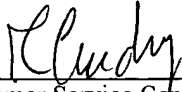
Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

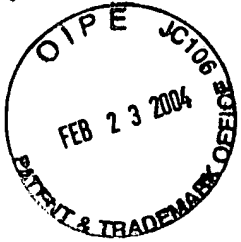
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No. 46943-CIP3 (71758)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jin-an JIAO, et al.

Serial No.: 10/618,338

Group Art Unit No.: 1646

Filed: July 11, 2003

Examiner: Not yet assigned

For: ANTIBODIES FOR INHIBITING BLOOD COAGULATION AND
METHODS OF USE THEREOF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 19, 2004.

By:

Patricia A. Barnes
Patricia A. Barnes

Sir:

RESPONSE TO NOTICE OF INCOMPLETE REPLY

Applicant responds as follows to the Notice of Incomplete Reply dated January 30, 2004 ("Notice"). A copy of the Notice is enclosed.

Applicant submits that the Notice is in error and that all alleged defects therein have already been addressed.

For instance, the Notice alleges that Applicants' Oath or Declaration was defective for missing signatures of Hing C. Wong and Jinghai Wen. That is not the case.

In support, Applicant submits herewith a complete copy of Applicants' Response to the original Notice To File Missing Parts Of Nonprovisional Application (dated

October 17, 2003). In that copy, the USPTO will find two Declarations (one signed by inventor Jin-an Jiao; and the other signed by Jinghai Wen (Box 203) and Hing C. Wong (Box 202).

Accordingly, the signatures of inventors Hing C. Wong and Jinghai Wen are not missing from the Declaration as alleged by the Office in the Notice.

Further, the Office alleged that a new Oath or Declaration identifying the instant application is required (citing 37 CFR 1.63). The Office further alleged that the Oath or Declaration does not identify the citizenship of each inventor. Applicants disagree and submit that the Declarations as submitted are sound and in full compliance with the statute.

For instance, and as can be seen from the attached copy of the Response, both Declarations specify the above-reference patent application serial number. Moreover, the citizenship of each inventor is clearly represented on both Declarations.

As indicated in the attached post-card copy and Certificate of Mailing executed by Patricia A. Barnes pursuant to 37 CFR 1.8(a), the Response (with Declarations) was mailed to the Office on December 12, 2003. That submission was timely.

In view thereof, it is respectfully suggested that the Notice was sent to Applicant in error and should be withdrawn.

It is further suggested that any fee needed to consider this submission should be borne by the Office. However if it is deemed that a fee is needed, the USPTO is hereby authorized to charge our deposit account 04-1105 for such fee.

In addition, if it is deemed that a Petition For Extension of Time is needed to consider this submission, please consider this a request to extend the period for a


USSN 10/618,338
Jin-an-JIAO, et al.
Response to Notice Of Incomplete Reply
Page - 3 -

response from December 17, 2003 (deadline for responding to the Notice To File Missing Parts) to March 17, 2004 and charge the requisite fee to the deposit account referenced above.

Early consideration and allowance of the above-captioned application are respectfully requested.

Respectfully submitted,

Date: 17 Feb 2004



Robert L. Buchanan
Registration No. 40,927
EDWARDS & ANGELL, LLP
P. O. Box 55874
Boston, MA 02205
Tel. (617) 439-4444
Fax Nos. (617) 439-4170 / 7748
Customer No.: 21874

#434277



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/618,338	07/11/2003	Jin-An Jiao	46943-CIP3(71758)

CONFIRMATION NO. 8452

21874
 EDWARDS & ANGELL, LLP
 P.O. BOX 9169
 BOSTON, MA 02209

FORMALITIES LETTER



OC000000011057355

Date Mailed: 10/17/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of \$72 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$522 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$72
 - \$72 for 8 total claims over 20 .

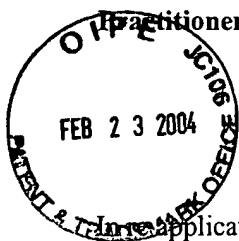
Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Applicant's Docket No. 46943-CIP3 (71758)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jin-an JIAO, et al.

Application No.: 10/618,338

Filed: July 11, 2003

For: ANTIBODIES FOR INHIBITING BLOOD COAGULATION AND METHODS OF USE THEREOF

Group No.: 1646

Examiner: Not yet assigned

**Mail Stop: Missing Part
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**COMPLETION OF FILING REQUIREMENTS
-- NONPROVISIONAL APPLICATION**

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed 10/17/2003.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office at (703) ____ - ____.

Patricia A. Barnes
Signature

Date: **December 12, 2003**

Patricia A. Barnes
(type or print name of person certifying)

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application. Two separate Declarations And Powers of Attorney (4 pages each).

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under Section 1.53(b) without an executed oath or declaration under Section 1.63, the later submission of an executed oath or declaration under Section 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. Section 1.48(j)(1).

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:

- (A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
- (B) serial number and filing date;
- (C) attorney docket number which was on the specification as filed;
- (D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
- (E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

M.P.E.P. Section 601.01(a), 7th ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. Section 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

(Completion of Filing Requirements--Nonprovisional Application--page 2 of 7)

III. ☐ Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. Section 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. Section 1.52(d).

SMALL ENTITY STATUS

V. ☒ A statement that this filing is by a small entity

(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☒ was filed on 03/10/97 (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. Section 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. Section 1.28(a).

1. Filing fee

☒ original patent application

(37 C.F.R. Section 1.16(a)--\$750.00: small entity--\$375)

\$ 385.00

☐ design application
(37 C.F.R. Section 1.16(f)--\$330; small entity--\$165) \$

2. Fees for claims

☐ each independent claim in excess of 3
(37 C.F.R. Section 1.16(b)--\$84; small entity--\$42) \$

☒ each claim in excess of 20
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9) \$ 72.00

☐ multiple dependent claim(s)
(37 C.F.R. Section 1.16(d)--\$280; small entity--\$140) \$

3. Surcharge fees

☒ late payment of filing fee and/or late filing of original declaration or oath
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65) \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than
all the inventors or a person not the inventor
(37 C.F.R. Sections 1.17(i) and 1.47--\$130)\$

5. ☐ Fee for processing an application filed with
a specification in a non-English language
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$

6. ☐ Fee for processing and retention of application
(37 C.F.R. Sections 1.21(l) and 1.53(d)--\$130) \$

NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as, the changes to 37 C.F.R. Section 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of Section 1.21(l) within 1 year of notification under Section 1.53(f) must be paid.

7. ☐ Assignment (See "ASSIGNMENT COVER SHEET") \$
Assignments being sent for recordal under separate cover.

Total completion fees \$ 522.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$110	\$55
<input type="checkbox"/> two months	\$410	\$205
<input type="checkbox"/> three months	\$930	\$465
<input type="checkbox"/> four months	\$1,450	\$725

Fee \$

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 522.00
Extension fee (if any) \$

Total Fee Due \$ 522.00

PAYMENT OF FEES

IX.

☒ Enclosed is a check in the amount of \$ 522.00.

☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).

Please change Account No. _____ for any fees which may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 04-1105

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
☐ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5)(extension fees pursuant to Section 1.136(a).
- ☒ 37 C.F.R. Section 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).

- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b).

NOTE: 37 C.F.R. Section 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. Section 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Reg. No.: 40,927

Tel. No.: (617) 439-4444

Fax Nos.: (617) 439-4170 / 7748

Customer No.: 21874

Robert L. Buchanan

(type or print name of practitioner)

EDWARDS & ANGELL, LLP

P. O. Box 9169, Boston, MA 02209

P.O. Address

#358095